

Message

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Sent: 11/3/2020 10:48:48 PM
To: Ross, David P [ross.davidp@epa.gov]
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Subject: Deliberative - Comments from the ACHP
Attachments: Draft 404 Programmatic Agreement (10-20-20)_additional achp language 2nov20.docx

Deliberative

Dave,

Please see the attached Draft Programmatic Agreement. This document contains the most recent set of comments provided by the Council. As discussed on today's OW bi-weekly, there are three major issues raised by the Council where we believe additional discussion is needed:

- 1) How to characterize the undertaking- see the "middle ground" language in the 4th, 5th, and 6th whereas clauses;
- 2) What happens when the PA is terminated- see Section VII(a); and
- 3) Expiration of the PA unless extended or renewed- see Section VII(b).

You may also see other markups made by the Council in the document (e.g., on confidentiality). These are comments that we think we can resolve. Please let me or Matt know if you have any questions.

Thanks
Jeaneanne